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REGULATIONS COMPILER

1 TOURISM, ARTS, AND HERITAGE CABINET

2 Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:300. Black bear seasons and requirements.

5 RELATES TO: KRS 150.010, 150.092, 150.170, 150.175, 150.990

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.390(1)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department

8 to promulgate administrative regulations to establish open seasons for the taking of

9 wildlife, to regulate bag limits and methods of take, and to make these requirements apply

10 to a limited area. KRS 150.390(1) prohibits the taking of bears in any manner contrary to

11 any provisions of KRS Chapter 150 or Title 301 KAR. This administrative regulation

12 establishes bear hunting and chasing seasons; bear hunting areas; legal methods of take;

13 and permitting, checking, and recording requirements.

14 Section 1. Definitions. (1) "Adult" means an individual who is at least eighteen (18) years

15 of age.

16 (2) "Archery equipment" means a long bow, recurve bow, or compound bow incapable

17 of holding an arrow at full or partial draw without aid from the archer.

18 (3) "Arrow" means the projectile fired from a bow or crossbow.

1 (4) "Baited area" means an area where feed, grains, or other substances capable of
2 luring black bears have been placed.

3 (5) [~~"Barbed broadhead"~~] means a point or portion of a blade projecting backward from
4 a broadhead designed to hold an arrow within an animal.

5 (6) "Bear" means the species *Ursus americanus*.

6 [~~(7) "Bear chase area" means a designated area within the Bear Zone where hunters
7 may use dogs to chase bears.~~]

8 (6) [(8)] "Bear chase permit" means a permit, which in conjunction with appropriate
9 licenses, seasons, and methods, allows the holder to use dogs to chase a bear.

10 (7) [(9)] "Bear permit" means a permit, which in conjunction with appropriate licenses,
11 seasons, and methods, allows the holder to harvest one (1) black bear of either sex.

12 (8) "Bear zone 1" means Bell, Harlan, and Letcher counties, and private land in McCreary
13 County.

14 (9) "Bear zone 2" means Breathitt, Clay, Clinton, Floyd, Jackson, Johnson, Knott, Knox,
15 Laurel, Lawrence, Leslie, Magoffin, Martin, Owsley, Perry, Pike, Pulaski, Rockcastle, Russell,
16 Wayne, and Whitley counties.

17 (10) "Bear zone 3" means Adair, Bath, Boyd, Carter, Casey, Clark, Cumberland, Elliot,
18 Estill, Fleming, Garrard, Greenup, Lee, Lewis, Lincoln, Madison, Menifee, Montgomery,
19 Morgan, Powell, Rowan, and Wolfe counties.

20 ["Bear zone" means the following Kentucky counties: Bell, Clay, Floyd, Harlan, Knott,

1 ~~Knox, Laurel, Leslie, Letcher, Martin, McCreary, Perry, Pike, Pulaski, Wayne, and Whitley.]~~

2 (11) "Chase-only season" means a designated season when a person may use dogs to
3 chase a bear, without killing or intentionally injuring a bear.

4 (12) "Crossbow" means a bow designed or fitted with a device to hold an arrow at full
5 or partial draw without aid from the archer.

6 (13) "Firearm" means a breech or muzzle-loading rifle, shotgun, or handgun.

7 (14) "Youth~~[Junior]~~ bear chase permit" means a permit, which in conjunction with
8 appropriate licenses, seasons, and methods, allows a youth to use dogs to chase a bear.

9 (15) "License year" means the period from March 1 through the ~~[following]~~ last day of
10 February.

11 (16) "Modern gun" means a rifle, handgun, or shotgun loaded from the rear of the
12 barrel.

13 (17) "Muzzleloader"~~["Muzzle-loading firearm"]~~ means a rifle, shotgun, or handgun
14 loaded from the discharging end of the barrel or discharging end of the receiver.

15 (18) "Youth" means a person under the age of sixteen (16) by the day of the hunt.

16 Section 2. Feeding Black Bears. A person shall not engage in any direct or indirect
17 feeding of black bears.

18 Section 3. Bear Chase Requirements. (1) Unless exempted by KRS 150.170, a person,
19 while using dogs to chase a bear, shall carry proof of purchase of a valid Kentucky hunting
20 license and a valid:

1 (a) Bear chase permit; or

2 (b) Youth [~~Junior~~] bear chase permit.

3 (2) A bear chase permit or youth [~~junior~~] bear chase permit shall only be purchased by
4 a resident of Kentucky.

5 (3) A bear chase permit shall be purchased on the department's Web site at fw.ky.gov
6 from July 1 through December 31.

7 (4) A person shall not:

8 (a) Kill or intentionally injure a bear during a chase-only season;

9 (b) Chase a bear except during daylight hours while a chase season is open;

10 (c) Chase a bear from a baited area:

11 1. While bait is present; or

12 2. For thirty (30) days after the bait has been removed; or

13 (d) Disturb a bear in a den.

14 (5) [~~Individual hunt groups shall include no more than five (5) people and eight (8)~~
15 ~~dogs, except a hunt party may total seven (7) people if two (2) additional youths~~
16 ~~accompany the party.~~

17 (6) ~~Any dog transported in a motorized vehicle by members of a hunt group shall not~~
18 ~~be considered a member of that hunt group.~~

19 (7) The department shall supply a Bear Chase Survey to each person purchasing a
20 bear chase permit.

1 (6) ~~[(8)]~~ A person who purchases a bear chase permit shall submit to the department a
2 completed Bear Chase Survey by the last day of January following each bear season.

3 (7) ~~[(9)]~~ A person who fails to submit a Bear Chase Survey shall be ineligible to purchase
4 a bear chase permit for the following year's chase seasons.

5 (8) ~~[(10)]~~ A person shall only use a dog to chase a bear on private land with permission
6 of the landowner in bear zones 1, 2, and 3, except that it shall be prohibited to chase bears
7 with dogs in McCreary County~~[in the following designated areas:~~

8 (a) ~~Eastern bear chase area;~~

9 (b) ~~Central bear chase area; and~~

10 (c) ~~Western bear chase area].~~

11 Section 4. Chasing Bears with Dogs. A person shall not use a dog to chase a bear except
12 during the seasons established in subsections (1) and (2) of this section:

13 (1) The chase-only season, which shall be from:

14 (a) August 1 through August 31; and

15 (b) September 9 through September 30; and

16 (2) The bear quota hunt with dogs season pursuant to Section 8(1) of this administrative
17 regulation.

18 Section 5. Bear Permit Requirements. ~~[(1) Only a resident of Kentucky shall be allowed~~
19 ~~to purchase a bear permit.~~

20 ~~(2)]~~ Unless exempted by KRS 150.170, a person hunting a bear shall possess proof of

1 purchase of a valid Kentucky hunting license and the appropriate valid bear permit or
2 permits while hunting during the seasons established in Section 8(1) of this administrative
3 regulation.

4 Section 6. Hunter Restrictions. (1) A person shall not:

5 (a) Harvest a bear except during daylight hours;

6 (b) Use a dog during the modern gun, archery - crossbow, or muzzleloader season for
7 bears, except leashed tracking dogs may be used to recover a wounded or dead bear;

8 (c) Hunt bear on a baited area:

9 1. While bait is present; or

10 2. For thirty (30) days after the bait has been removed;

11 (d) Harvest:

12 1. A female bear that has a cub; or

13 2. A bear that weighs less than seventy-five (75) pounds;

14 (e) Harvest a bear that is swimming;

15 (f) Harvest a bear if the person is in a vehicle, boat, or on horseback, except that a
16 hunter in possession of a disabled hunting exemption permit issued by the department
17 may use a stationary vehicle as a hunting platform;

18 (g) Harvest a bear in a den; or

19 (h) Disturb a bear in a den for the purpose of taking the bear if the bear exits the den.

20 (2) An adult shall accompany and maintain control of a youth who is hunting bear with

1 a firearm.

2 Section 7, Weapon Restrictions. (1) A person shall only use the weapons and
3 ammunition established in paragraphs (a) through (e) of this subsection to take a bear:

4 (a) A crossbow or archery equipment loaded with a [~~non-barbed~~] broadhead of seven-
5 eighths (7/8) inch or wider upon expansion;

6 (b) A firearm:

7 1. With an action that fires a single round of ammunition upon each manipulation of
8 the trigger;

9 2. Of $[-].270$ caliber or larger; and

10 3. Loaded with centerfire, single projectile ammunition designed to expand upon
11 impact;

12 (c) A muzzleloader[~~muzzle-loading firearm~~] of $_{.50}$ caliber or larger;

13 (d) A shotgun of twenty (20) gauge or larger loaded with a shell containing one (1)
14 projectile; or

15 (e) A handgun loaded with:

16 1. Centerfire cartridges;

17 2. Bullets of $[-].270$ caliber or larger designed to expand upon impact; and

18 3. Cartridges with a case length of 1.285 inches or larger.

19 (2) A crossbow shall contain a working safety device.

20 (3) A bear hunter shall not use a magazine capable of holding more than ten (10)

1 rounds.

2 Section 8. Bear Season Dates and Bag Limits. (1) A legal bear hunter shall only kill a
3 bear in the bear ~~zones~~[~~zone~~] during the seasons established in paragraphs (a) through (d)
4 of this subsection:

5 (a) The archery – crossbow season for bears, which shall be for seven (7) consecutive
6 days beginning on the fourth Saturday in October in bear zones 1 and 2;

7 (b) The modern gun season for bears, which shall be for seven (7) [~~three (3)~~] consecutive
8 days beginning on the third [~~second~~] Saturday in December in bear zones 1 and 2;

9 (c) The bear quota hunt with dogs season, which shall be for fourteen (14) consecutive
10 days beginning on the third Saturday in October in bear zones 1, 2, and 3.

11 (d) The muzzleloader season for bears, which shall be for nine (9) consecutive days
12 beginning on the second Saturday in December in bear zone 3.[:

13 ~~1. Two (2) consecutive days beginning on the Saturday after Thanksgiving; and~~

14 ~~2. Two (2) consecutive days beginning on the third Saturday in December; and~~

15 ~~(d) The youth-only bear season, which shall last for two (2) consecutive days beginning~~
16 ~~on the Saturday after Christmas.]~~

17 (2) A person shall not harvest more than one (1) bear in a license year.

18 Section 9. Bear Season Closure. (1) The archery - crossbow season for bears in bear
19 zone 1 shall close after daylight hours on the day the following quota has been reached:

20 (a) Five (5)[~~Ten (10)~~] bears; or

1 (b) Two (2)[Five (5)] female bears.

2 (2) The archery – crossbow season for bears in bear zone 2 shall close after daylight
3 hours on the day the following quota has been reached:

4 (a) Ten (10) bears; or

5 (b) Four (4) female bears.

6 (3) The modern gun season for bears in bear zone 1 shall close after daylight hours on
7 the day the following quota has been reached:

8 (a) Five (5)[Fifteen (15)] bears; or

9 (b) Two (2)[Five (5)] female bears.

10 (4) The modern gun season for bears in bear zone 2 shall close after daylight hours on
11 the day the following quota has been reached:

12 (a) Fourteen (14) bears; or

13 (b) Four (4) female bears.

14 (5)[(3)] The bear quota hunt with dogs season in bear zone 1 shall close after daylight
15 hours on the day the following quota [of five (5) bears] has been reached:

16 (a) Three (3) bears; or

17 (b) Two (2) female bears.

18 (6) The bear quota hunt with dogs season for bears in bear zones 2 and 3 shall close
19 after daylight hours on the day the following quota has been reached:

20 (a) Eight (8) bears; or

1 (b) Three (3) female bears.

2 (7) The muzzleloader season for bears in bear zone 3 shall close after daylight hours

3 on the day the following quota has been reached:

4 (a) Five (5) bears; or

5 (b) Three (3) female bears.

6 (8)

7 ~~[(4) The youth-only bear season shall close after daylight hours on the day the quota~~
8 ~~of five (5) bears has been reached.~~

9 ~~(5)] A bear hunter shall call 800-858-1549 after 9 p.m. each day of any open bear season~~
10 ~~to determine if the annual quota has been reached.~~

11 Section 10. Bear Quota Hunt with Dogs Requirements. (1) A person shall only harvest
12 a bear with the use of unleashed dogs.

13 (2) The bear quota hunt with dogs season shall also be open as a chase-only season
14 for any person who possesses a valid bear chase permit, even if the quota has been met.

15 Section 11. Hunter Orange Clothing Requirements. (1) During any modern gun or
16 muzzleloader~~[muzzle-loading]~~ season for bears, a person hunting any species, and any
17 person accompanying a hunter, shall display solid, unbroken hunter orange visible from
18 all sides on the head, back, and chest, except these requirements shall not apply to a
19 person hunting:

20 (a) Waterfowl; or

1 (b) Furbearers at night during a legal furbearer season.

2 (2) The hunter orange portions of a garment worn to fulfill the requirements of this
3 section:

4 (a) May display a small section of another color; and

5 (b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any
6 measurement.

7 Section 12. Bear Reserves. (1) The areas within Bear zone 1 as [~~the Bear Zone~~]
8 established in paragraphs (a) through (d) of this subsection shall be closed to bear
9 hunting:

10 (a) Cumberland Gap National Historical Park;

11 (b) Hensley-Pine Mountain Wildlife Management Area;

12 (c) Big South Fork National River and Recreation Area; and

13 (d) The area surrounding Hensley-Pine Mountain Wildlife Management Area: starting
14 at the intersection of Sand Hill Bottom Road and North US Hwy 119 in Cumberland, the
15 boundary proceeds northeast along North US Hwy 119 to the intersection of US Hwy 119
16 and Kentucky Hwy 2035. The boundary then proceeds west along Kentucky Hwy 2035 to
17 the intersection of Kentucky Hwy 2035 and Kentucky Hwy 931. The boundary continues
18 southwest along Kentucky Hwy 931 to the intersection of Kentucky Hwy 931 and Kentucky
19 Hwy 160, then proceeds southwest along Kentucky Hwy 160 to the intersection of
20 Kentucky Hwy 160 and Kentucky Hwy 463 in Gordon. The boundary then proceeds south

1 and east along Kentucky Hwy 160 to the intersection of Kentucky Hwy 160 and Sand Hill
2 Bottom Road in Cumberland, then south along Sand Hill Bottom Road to the intersection
3 with North US Hwy 119, completing the boundary.

4 (2) Kentucky resident landowners, their spouses, and dependent children may hunt
5 bears on their own property within the closed area established in subsection (1)(d) of this
6 section.

7 Section 13. Harvest Recording and Check-in Requirements. (1) Immediately after
8 harvesting a bear, and before moving the carcass, a person shall record on a hunter's log
9 the:

10 (a) Species taken;

11 (b) Date taken;

12 (c) County where taken; and

13 (d) Sex of the bear.

14 (2) A person who has harvested a bear [~~during the modern gun season for bears~~] shall:

15 (a) Retain a completed hunter's log;

16 (b) [~~Check a harvested bear at a department-operated check station immediately after~~
17 ~~leaving the field;~~

18 (c) Telecheck the bear by 8 p.m. Eastern Standard Time the day the bear was harvested
19 [~~before leaving the check station~~] by:

20 1. Calling 800-245-4263 and completing the telecheck process or checking the bear on

1 the department's Web site at fw.ky.gov; and

2 2. Recording the confirmation number on the hunter's log; [and

3 ~~(d) Attach to the carcass a department issued tag prior to leaving the check station.~~

4 ~~(3) A person who has harvested a bear during the archery — crossbow season, youth-~~
5 ~~only bear season, or the bear quota hunt with dogs season shall:~~

6 ~~(a) Retain a completed hunter's log;~~

7 ~~(b) Telecheck the bear by 8 p.m. Eastern Standard Time the day the bear was harvested~~
8 ~~by:~~

9 ~~1. Calling 800-245-4263 and completing the telecheck process or checking the bear on~~
10 ~~the department's Web site at fw.ky.gov; and~~

11 ~~2. Recording the confirmation number on the hunter's log;]~~

12 (c) Arrange for department personnel to inspect the bear by:

13 1. Calling the department at 800-858-1549 within twenty-four (24) hours of harvest;

14 and

15 2. Presenting to department personnel the bear carcass or an intact hide that contains
16 the skull and proof of sex; and

17 (d) Attach to the carcass a department issued tag after having the bear inspected by
18 department personnel.

19 Section 14. Incorporation by Reference. [(1)] The "20 Bear Chase Survey", 2014
20 edition[following material] is incorporated by reference[:

1 (a) "~~Eastern Bear Chase Area~~" map, 2015 edition;

2 (b) "~~Central Bear Chase Area~~" map, 2015 edition;

3 (c) "~~Western Bear Chase Area~~" map, 2013 edition; and

4 (d) "~~20__ Bear Chase Survey~~", 2014 edition].

5 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
6 law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort,
7 Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., Eastern Time.

Approved by the Fish and Wildlife Commission



Gregory K. Johnson, Commissioner
Department of Fish and Wildlife Resources



Don Parkinson, Secretary
Tourism, Arts and Heritage Cabinet

Date: 4/10/17

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 24, 2017 at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through May 31, 2017.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Mark Cramer
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-0506
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:300. Black bear season and requirements.

Contact Person: Mark Cramer

Email: mark.cramer@ky.gov

Phone: 502-564-3400

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes black bear chase and hunt seasons, chase and hunt requirements, bag limits, and legal methods of take.

(b) The necessity of this administrative regulation: To establish bear hunting season requirements and methods of take to provide reasonable hunting and chasing opportunity, while properly managing bear populations in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to establish open seasons for the taking of wildlife, regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of bears in any manner contrary to any provisions of Chapter 150 or its regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by defining the seasons, bag limits, and methods of chase and take used to manage black bears in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will add 31 counties to the bear hunting area in Kentucky. This amendment will establish three bear zones that will be used to set season quotas that are appropriate for the abundance of bears in that specific area. The Chase-only season will be lengthened to include the dates of September 9 – September 30. The bear quota hunt with dogs season will be adjusted to include the dates of October 28 – November 3. A bear muzzle-loading season will be established in bear zone 3 and take place from December 9 – December 17. The overall quota will be increased to fifty (50) bears, but the female quota will remain unchanged at twenty (20) bears. Finally, this amendment opens the archery – crossbow, modern gun, and muzzleloader bear seasons to non-resident hunters.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to improve hunter opportunity by lengthening the modern gun season and establishing a muzzleloader season for bears. Increasing the number of counties where

bear hunting may take place will provide more and varied opportunity while distributing the harvest pressure across a much larger area. The zone system established in this amendment will allow for more precise control over bear harvest.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All hunters that pursue black bears will be affected by this regulatory amendment. In 2016, there were 920 licensed bear hunters in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Those who hunt bear must comply with the individual requirements and restrictions for respective hunt or chase-only seasons for bears, as listed in the fall hunting guide published by the department.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost for a bear chase permit is thirty dollars (\$30.00), a youth bear chase permit is ten dollars (\$10.00), a resident bear permit is thirty dollars (\$30.00), a resident youth bear permit is ten dollars (\$10.00), and a non-resident bear permit is two hundred fifty (\$250.00) pursuant to 301 KAR 3:022.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hunting opportunity will greatly increase by adding counties and additional bear hunting days for bear hunters. Additionally, houndsmen will have an earlier season with increased bear activity and an additional twenty one (21) days of chase-only season in the month of September. Non-resident bear hunters will now have an opportunity to pursue bears in Kentucky.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be a small administrative cost to the department to implement this regulation.

(b) On a continuing basis: There will be a small cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? No. Tiering was not used because all persons who hunt bear are required to abide by the same seasons, methods of take, bag limits, harvest recording procedures, and checking requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:300. Black bear season and requirements.

Contact Person: Mark Cramer

Email: mark.cramer@ky.gov

Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025 and 150.390.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amount of revenue generated by this administrative regulation for the first year is unknown.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amount of revenue generated by this administrative regulation for subsequent years is unknown.

(c) How much will it cost to administer this program for the first year? There will be a small administrative cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be a small administrative cost incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Unknown; see 4 (a) and (b) above.

Expenditures (+/-): Minimal; see 4 (c) and (d) above.
Other Explanation: